

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 17790 of 2003

Between:

Y. Srinivasa Rao s/o Nagaiah
R/o Srinivasa Nagar, Khammam,
Khammam District

..... PETITIONER

AND

- 1 The Union of India, rep. by its Secretary,
Ministry of Finance (Banking Division), Jeevandeep Building ,
Sansad Marg, New Delhi -1.
- 2 The Andhra Bank, rep. by its Authorised Officer,
Zonal Office, Andhra Bank,
Warangal, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as unconstitutional and violative of Article 14 of the Constitution of India and consequently declare the public notice dated 1-8-2003 issued by the 2nd respondent for sale of House bearing No. 2-3-198, 199 and 200 situated at Dornakal, Warangal District, as illegal and arbitrary and to direct the 2nd respondent bank to act in accordance with the law.

Counsel for the Petitioner:MR.A.PRABHAKAR RAO

Counsel for the Respondent No.1: MR.A.RAJASEKHAR REDDY

Counsel for the Respondent No.2: MR.A.KRISHNAM RAJU

The Court made the following :

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ORAL ORDER: (per Hon”ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon’ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ.

21st July, 2004 C.V.RAMULU, J.

Pnb/Jsui

To

- 1 The Secretary, Union of India,
Ministry of Finance (Banking Division), Jeevandeep Building ,
Sansad Marg, New Delhi -1.
- 2 The Authorised Officer, Andhra Bank,
Zonal Office, Andhra Bank,
Warangal, Warangal

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